

I. CALL TO ORDER 6:30 pm Fremont Public Library, 7 Jackie Bernier Drive
Pledge of Allegiance

Introduction of Board of Selectmen members and Town Staff

II. ANNOUNCEMENTS

1. This meeting is live broadcast on Channel 22 and will be rebroadcast throughout the week ahead.
2. A sign in sheet will be passed around. Please print your name and contact information clearly.

III. SCHEDULED AGENDA ITEM

**Public Hearing
Town of Fremont**

The Fremont Board of Selectmen will hold a Public Hearing pursuant to NH RSA 231:59-a to consider designating the following Class IV roads in Fremont NH as Emergency Lanes: Shirkin Road (dirt portion West of Beede Hill Road), Loon Way, Squire Road, and Paradise Drive.

The hearing will take place at the Fremont Public Library, 7 Jackie Bernier Drive, Fremont NH at 6:30 pm on June 22, 2016.

Gene Cordes: Overview of April 28th meeting
Concerns from residents about noise, shooting, OHRV traffic

Presentation of Town information gathering and Initiatives undertaken

Roger Barham: Presentation of report of road layouts and Class VI road facts

Police Chief Jon Twiss: update on trespass issue, number of letters back, patrol results, summonses and/or people asked to leave; estimated hours spent doing follow-up and support from other agencies, such as Fish & Game

Road Agent is supportive of emergency egress issues, but the Town has too much to do already in just trying to keep up with Class V road maintenance. The Emergency Lane status would allow the Town to do emergent repairs as needed to ensure public safety access only.

Any work done on a Class VI roadway needs only with the Town's (Selectmen) written permission, after consultation with the Road Agent

Other things we continue to work on:
Signage and what is appropriate (refer to road manual)
Continued Police patrol and enforcement

Hear any testimony and document; Board vote on designation as Emergency Lanes

And any other business which may legally come before the Board
(Selectmen one item of other business)

IV. ADJOURNMENT

Information from Roger Barham's research document (without photographs)

SHIRKIN CLASS IV ROAD AREA

1. GEOGRAPHY

1.1. Class VI Road Networks:

In 1935 the Town of Fremont voted to reclassify the following roads to Class VI subject to Gates and Bars:

<i>#</i>	<i>Location</i>	<i>Linear Feet</i>
<i>1</i>	<i>Shirkin Road</i>	<i>7,830</i>
<i>2</i>	<i>Squire Road</i>	<i>3,950</i>
<i>3</i>	<i>Loon Way</i>	<i>2,570</i>
<i>3</i>	<i>Paradise Drive</i>	<i>3,250</i>
		<i>17,600</i>

Based on information available to date the extent of the class VI is detailed on the attached plan "Class VI Network".

1.2. Access Points:

The Shirkin Road Area has (4) entry points; two in Fremont (F) and two in Raymond (R):

1.2.1. Shirkin Road (F)

This is the primary access point off Beede Hill Road where Seacoast Farms is located.

1.2.2. Squire Road (F)

This is a secondary access point further south off Beede Hill Road. The abutting properties are residential.

1.2.3. Loon Way (R)

Based on the Raymond Assessing data, the Class VI road is named Old Shirkin Road commencing at Prescott Road immediately north of the Transfer Station parcel (see Old Shirkin Road plan) and extending approximately 1,500' to the town line. Along the Raymond segment there are two additional access points at Joyce Drive and Cammett Drive.

The property owner (parcel 22, Prescott Road) has blocked off the Raymond side entrance.

1.2.4. Paradise Drive (R)

Paradise Drive in Raymond is a Class V road and terminates at the town line where it transitions to Class VI and continues as Paradise Drive in Fremont.

This is an active access point and abutters (Fremont residents) have clearly posted their property.

2. LAND OWNER ISSUES

There are a number of issues facing the Town and abutting landowners which are summarized below:

2.1. ROW Access

The Class VI network of roads which totals 3.3 miles are not maintained by the Town (by statute) but are accessible by the public. The area is a recreational spot for 4x4 enthusiasts and ATV users and over the years the road network has deteriorated and become more increasingly impassable.

The deterioration of the roads make it more difficult for land owners access their parcels and impedes emergency service access.

2.2. Trespassing

There are approaching 50 abutting and land locked parcels in this area and many of the land owners have experienced trespassing to some degree. Access to land owners parcels is a combination of the Class VI road network and from other parcels located in Raymond and Epping.

The acts of trespassing are having serious consequences to abutting land owners:

2.2.1. Damage to Terrain

Damage is being created primarily by two main types of vehicles:

- Highway Rated 4x4 Vehicles such as Trucks & SUVs*
- Off Highway Vehicles (OHVs) such as ROVs, ATVs and Dirt Bikes*

Highway vehicles are entering the area via Class VI road and then deviating onto private land.

OHVs are either being transported in truck beds or trailers into the area via Class VI road, unloaded and then travelling throughout the illegal network of trails, or entering the illegal trail network from abutting towns.

2.2.2. Dumping

Dumping in the area is a serious issue. The Class VI roads give access to people to purposely dump large items on the side of the roads, or on adjacent abutter parcels. Also, there is the dumping of trash associated with trespassing activities.

2.2.3. Shooting

Abutting parcels, in particular parcels 26 & 34 are being used for recreational pistol, rifle and shotgun shooting activities. In addition to destroying TVs, toilets and propane tanks, some participants have little regard for public safety and have sent rounds close to neighboring land owners. Noise is an ongoing issue.

2.2.4. Camp Fires

Illegal camp fires are prevalent throughout the area indicating that trespassing is a 24 hour problem.

2.2.5. Alcohol & Drug Abuse

The area is strewn with empty beer bottles and hypodermic needles, particularly at camp fire sites.

3. ENFORCEMENT

Local law enforcement, including Fremont PD and Fish & Game, are aware of the land owner issues and respond to calls from abutting land owners.

Law enforcement response to where trespassing activities is mixed and dependent on a number of factors including accessibility (terrain and vehicle), location and season. On occasions access has been slow or impossible.

4. RECOMMENDATIONS

The following recommendations are proposed for both the Town and abutting land owners to work together to implement.

4.1. Maintain Class VI Road Status

The 3.3 mile network of Class VI roads are currently defined as public ROWs not maintained by the Town; specifically, the Town cannot prohibit public ROW nor can it maintain the road at tax payer expense.

It was suggested that the Town convert the Class IV road to either Class A or Class B trails as permitted by RSA 231-A:1. Although this allows the Town to restrict the type of access to the trail network, it also poses the same restrictions on abutting land owners and they lose the Public ROW status which is important for future development rights and access. For these reasons this course of action is not recommended.

In the best interest of the Town and abutting land owners it is recommended the Class VI status is maintained.

4.2. Emergency Status

It was suggested that the Town designate part or the whole of the Class VI road network as an "Emergency Access" as defined in RSA 231.59-a Emergency Lanes. Specifically the RSA states "A town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles."

Designating the 3.3 mile network of Class VI roads as "Emergency Access" will enable the Town to make segments passable and accessible as necessary to perform emergency duties including firefighting (forest fires) and law enforcement (combatting illegal trespassing activities). Road improvements need not be extensive but initially sufficient to enable access beyond Seacoast Farms to the Galloway/Hard Rock Development parcels where the majority of illegal activities are taking place. Future improvements may be considered if required.

In the best interest of the Town and abutting land owners it is recommended the BOS implement this RSA.

4.3. Posting

Although the RSAs state that OHV users are required to obtain land owner written permission to access property and law enforcement can act without posting, there are a wide range of undesirable activities that are taking place which it is understood that law enforcement are better equipped to act if land owners post their property.

Under state law (RSA 635:4), the legal manner of posting calls for posting durable signs with any words describing the physical activity prohibited, such as "No Hunting or Trespassing," in letters at least 2 inches high, and with the owner's name and address. The signs may be no further than 100 yards apart on all sides of the property and shall also be posted at gates, bars and all commonly used entrances.

It is understood that many land owners are reluctant to post or have seen posted signs removed, nevertheless, it is believed that the current extent of trespassing and destruction of land requires a uniform and consistent approach to posting.

4.4. Enforcement

Fremont PD and NH Fish & Game are the primary enforcing authorities. Discussions need to take place as to what enforcement tools they have at their disposal, in particular, the impact of a uniform posting policy by abutters.

4.5. Other Measures

The following additional measures are recommended:

4.5.1. Speed Limit

Limit speed to 25 MPH and post at (4) Access Points. This emphasizes these roads are enforceable Public ROWs.

4.5.2. Gates

Install lockable gates at the (4) access points. Gates will normally be closed/unlocked. The Town should initiate a Mud Season ban on public access MAR – MAY.

The gates should include major signs detailing the Class VI road network and restrictions on use and trespassing warning.

4.5.3. No Parking

The Town should implement a NO PARKING policy along the Class VI road network and allow through traffic only. This will limit the ability of users to use vehicles to transport OHVs for use on land owner parcels. If users go off road to park that act will be trespassing.

For reference, the following is the Emergency Lane enabling statute:

**TITLE XX
TRANSPORTATION
CHAPTER 231
CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS
Repair of Highways by Towns
Section 231:59-a**

231:59-a Emergency Lanes. –

I. Notwithstanding RSA 231:59 or any other provision of law, a town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles. A capital reserve fund under RSA 35 or a trust fund under RSA 31:19-a may be established for this purpose.

II. No expenditures shall be made under paragraph I unless the selectmen, following a public hearing, declare the relevant class VI highway, private way, or portion thereof, as an emergency lane, and make written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.

III. In the case of a private way, notice shall be mailed to all persons known to have a legal interest in the way, 10 days prior to the hearing, and the emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission. Neither the appearance nor non-appearance of such persons at the hearing shall prevent such permission from later being denied or withdrawn.

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9--13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA 227-L concerning forest fires.

Source. 1994, 80:1. 1995, 299:12, eff. Jan. 1, 1996.